

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met Monday, March 28, 2011 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Lewis Key, Councilors Orrin Lyon, Ed Chesnut, Jeff Anliker, Brad Humbert, Steve Irving and Sam Hopkins-Hubbard.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman and Public Works Superintendent Dave Bradshaw.

Citizens present were: Tara Patten, Steven Patten, Rhonda Holcomb, James Holcomb and Umatilla County Commissioner Larry Givens.

Press members present were: Melanie Hall of the Valley Herald and Samantha Tipler of the East Oregonian.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of council minutes and executive session minutes from the March 14, 2011 meeting and accounts payable from March 9 – March 22, 2011.

Councilor Humbert motioned to approve the consent calendar items. Councilor Chesnut seconded the motion which passed unanimously.

BUSINESS ITEMS:

**DISCUSSION/ACTION – FOLLOW UP DISCUSSION REGARDING AMBULANCE SERVICE
ADVISORY COMMITTEE'S RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS**

Umatilla County Commissioner Larry Givens gave a presentation regarding the recommendation from the Ambulance Service Advisory Committee. The committee is recommending a taxing district be formed to help subsidize the ambulance service in the Ambulance Service Area 4 (which is approximately the same boundaries of the Milton-Freewater Unified School District). Commissioner Givens said it wasn't known at the time the amount of tax that would be needed for the service but it may throw the existing taxing districts into compression. The County Commissioners are asking for another committee aside from the Ambulance Service Advisory Committee be appointed with representation from Milton-Freewater area residents. The new committee would be called the Milton-Freewater Ambulance Advisory Committee. This committee would advise and make recommendations to the Board of Commissioners on whether or not to form a separate taxing district. The current ambulance provider, Milton-Freewater Emergency Medical Service, has submitted their resignation letter and will cease operation as of May 1, 2011. Commissioner Givens said there were other ambulance service providers willing to step in during the interim of finding a long term provider. There were also providers interested in providing service for the entire County and the east end of the County. There has been no commitment from Walla Walla but they said they would like to be a good neighbor. Request for proposals for ambulance service providers interested in the County Franchise will be sent out the end of this week or the beginning of next week per Commissioner Givens. The County Commissioners are asking for interested citizens to turn in their application as soon as possible to their office in Pendleton.

Councilor Anliker asked if the County was going to get bids from prospective providers prior to a taxing district being formed so that if it was going to create a tax compression it would be known beforehand. He also asked what the application deadline was.

Commissioner Givens said there was not a deadline on the application but they are asking for them to be turned in as soon as possible.

Councilor Chesnut felt that Request for Proposals (RFP) should have been sent out the next day after receiving the termination letter from the current provider back in February. He expressed the urgency of getting the RFP's out since the current service provider was quitting May 1, 2011.

Commissioner Given said they were working on the RFP's and they should go out the end of the week or the first part of next week.

Councilor Humbert said the current ambulance provider has done an excellent job. He asked if the County had any funds available to work with or negotiate with the current provider in the interim.

Commissioner Givens said that may be a possibility.

Councilor Humbert said he would have a very hard time asking citizens to pass a tax levy without having solid answers. He expressed the importance and urgency of getting the RFP's out. He was skeptical that the providers were wishing to remain anonymous.

Manager Hall said she thought they wanted to remain anonymous out of respect for the current provider.

Commissioner Givens said it was very hard to get voters of Milton-Freewater to pass tax measures. If voters were not willing to pass a measure that the County didn't have to provide ambulance service or provide the funding. He said the County could form a taxing district but the local governing body must approve of it.

Councilor Humbert felt forming another committee was a waste of time. He suggested putting the RFP's out immediately, the County Commissioners reviewing them and making a decision. By forming yet another committee was only going to postpone the action.

Manager Hall explained what voters would have to vote on whether or not to form a separate taxing district and they would also have to vote on members to serve on that board. Once the board was formed then they would have two options of either providing the ambulance service in house or send out RFP's which would include public advertisement, be publically opened and publically awarded to the best provider.

Councilor Humbert said possibly another option the County could look at was to sponsor a local option tax and that would not affect the tax division and cause compression.

Councilor Anliker asked if there was some language in the contract that prohibited the County from sending out a RFP the day after the termination letter was received.

Commissioner Givens said there were some legal issues to address.

Councilor Chesnut said it looked to him that there has been a service provider who had been serving the service area and they decided to change the terms in the middle of the contract and yet no RFP has been sent out. He said the City has received a legal opinion from the attorney and it said the City could not provide funding because there was no guarantee the funds would only be spent inside city limits.

A discussion ensued regarding the possible option of a local option tax and who would be the sponsoring party, the County or the City of Milton-Freewater.

Manager Hall said the County would need to be the sponsoring party and it would still need to go to a vote of the citizens to approve it.

Councilor Hopkins-Hubbard said he didn't see anything happening prior to May 1st. He recommended the County do whatever they could to keep the current provider.

James Holcomb, representing the MF Rural Ambulance, said RFP's for ambulance service go out every two years according to the ordinance and the providers must re-submit their intent to service that area.

Councilor Lyon asked who was going to provide the funding for the interim service provider after May 1st.

A discussion ensued regarding what options there were to help with the stability of an ambulance service to provide service in ASA 4. There was also discussion regarding the service contract with Walla Walla some 30 years ago.

Manager Hall said it could potentially be less expensive for citizens if the entire ambulance service area was included in any type of taxing district. She used the example of comparing a tax levy of twenty-five (25) cents per one-thousand dollars (\$1,000) of assessed value to the current subscription rate of fifty-five dollars (\$55) a year.

Commissioner Givens proposed that the City of Milton-Freewater take over the entire ASA 4.

Manager Hall said that would not be legally feasible due to some of the area being outside the jurisdiction of the City.

Mayor Key asked how the City of Milton-Freewater got involved initially. He understood the responsibility lied with Umatilla County and they were charged with the ambulance ordinance franchise.

Commissioner Givens said the ambulance service area being discussed has enjoyed the service without paying a tax to help support it. Most all other ambulance service areas in Umatilla County are paying a tax to help support the service.

Manager Hall said the city has in the past, early 1980's, mid 1990's, sponsored a serial levy, for the City and did give the funds to Milton-Freewater Rural Ambulance. She offered to get a legal opinion on whether or not that could still be done.

Councilor Chesnut said that would be good to know if that was an option.

Councilor Hopkins-Hubbard asked when the earliest a taxing district could be voted on.

Commissioner Givens said it would be November 2011. Voters would have to decide whether or not to form a separate taxing district, who would be members of that board and set the tax base. If a tax passed it wouldn't be until November 2012 before tax revenues would come in.

Manager Hall asked how many members the County was looking for on this committee.

Commissioner Givens said either five or seven.

Manager Hall asked with all the committee is going to be charged with doing would they have access to County Counsel, Doug Olsen.

Commissioner Givens said County Counsel would work with the City of Milton-Freewater's attorney Doug Hojem.

Manager Hall was surprised to hear that Doug Hojem would be involved and asked why the city would have to pay for legal advice on the County franchise.

Commissioner Given said he didn't realize that the City didn't have an attorney on staff. He suggested a member of the council or the City Manager also sit on the Ambulance Advisory Committee.

Councilor Humbert again said for the County to send out the RFP's, review them and make a decision instead of forming another committee.

Manager Hall said she understood that the Ambulance Service Advisory Committee had recommended to the County Commissioners that a separate taxing district be formed three different times over the past six years. In those past years the city council of the City of Milton-Freewater has never been approached to support such a recommendation.

Councilor Chesnut strongly urged the County to send out the RFP's as soon as possible.

Councilor Humbert said he was in favor of the proposal to form a taxing district and recommended moving forward of presenting the facts for citizens to vote on.

Manager Hall suggested to Commissioner Givens that it would be extremely helpful to have the deadline put on their Ambulance Advisory Committee applications.

RESOLUTION NO. 2200, DECLARING PROPERTY TO BE SURPLUS

Public Works Superintendent Dave Bradshaw presented a list of city property that had been recommended to be surplus by several departments.

Among the surplus list was a 1963 Ford Fire Truck and Councilor Irving asked if that vehicle could be sold on Ebay or something similar.

Councilor Hopkins-Hubbard said even though the fire truck had very low hours it wasn't worth that much money. He felt it was worth around \$2,000.

Mr. Bradshaw said the water pumper on the fire truck failed and therefore does not have the correct certification to be used in firefighting.

The surplus items will be advertised and sealed bids will be accepted.

Councilor Chesnut motioned to adopt Resolution No. 2200, Resolution Declaring Property to be Surplus as outlined on "Exhibit A". Councilor Hopkins-Hubbard seconded the motion which passed unanimously.

RESOLUTION NO. 2201, AUTHORIZING SIGNATURE TO US ENVIRONMENTAL PROTECTION AGENCY GRANT AGREEMENT TO PROVIDE FUNDING TO CONSTRUCT STORMWATER MANAGEMENT CAPITAL IMPROVEMENTS AND A STORMWATER MANAGEMENT PLAN

Public Works Superintendent Dave Bradshaw reported that council had authorized staff on September 13, 2010 to proceed in working with Anderson-Perry & Associates to apply for federal funding through the Environmental Protection Agency (EPA). A grant application was submitted to EPA for approval on December 10, 2010. City staff was notified on March 2, 2011 of the grant award. The funding will be used

to construct stormwater improvements and develop a stormwater management plan. EPA requires a cost-share for the funding of a 55/45% split. The application outlined a total projected budget of

\$1,058,180.00. This will be split out on a not-to-exceed basis of \$582,000 (equal to 55%) in federal funding and \$476,180 (equal to 45%) for the city's obligation. The city plans to meet the 45% match requirement using in-kind labor and the city's own material and equipment costs. The grant timeline for this project is December 1, 2010 – August 31, 2011 which is very stringent therefore, staff has already requested an extension for this project.

Councilor Irving asked if some of the matching funds could come from the infrastructure improvement fund.

Manager Hall said there would be very little funds allocated to this project due to the majority of the grant match requirement coming from in-kind labor. The infrastructure improvement funds have already been allocated to the Automated Metering Infrastructure (AMI) project which will be replacing the water and electric meters. She said the stormwater project has been a council goal for over ten years. The original plan was to use the Chuckhole Lane property as a stormwater location. She credited Mr. Bradshaw on the current design which will have no risk to the city's wells or citizen wells.

Councilor Humbert cautioned Mr. Bradshaw to keep a close eye on his budget due to the large project and the city's required match.

Mr. Bradshaw agreed with Councilor Humbert and explained that was one of the reasons for the request of an extension to the project.

Councilor Anliker motioned to adopt Resolution No. 2201, Resolution Authorizing Signature to the U.S. Environmental Protection Agency (EPA) Grant Agreement No. XP-00J33901-0, a grant to provide funding to construct stormwater management capital improvements and a stormwater management plan. Councilor Humbert seconded the motion which passed unanimously.

Mayor Key thanked Mr. Bradshaw for his work on the project.

OPPORTUNITY FOR CITIZENS TO APPROACH THE COUNCIL WITH ITEMS NOT ON THE AGENDA

Steven Patten – 102 SE 16th Ave., was at the meeting representing the Walla Walla Basin Watershed Council (WWBWC) to give an update on what they are working on. He said the Watershed Board members requested that updates be given to the city council quarterly and he said he would coordinate future presentations with Manager Hall so they can be placed on the agenda. He reported the WWBWC as having received four different grants totaling \$180,000. He listed the grant dollar projects as being the Lampson project, working with Fruitvale Watering District for improving water efficiency, the STELLAR (Science and Technology Environmental Land Lab and Research) program which is run by Bob Chicken and for a flow monitoring and river beds stability monitoring project which will tie in with part of the levee assessment.

Manager Hall thanked Mr. Patten for the presentation.

Councilor Chesnut said as a city councilor and a Walla Walla Basin Watershed Board member he also wanted to thank Mr. Patten for bringing the information to the meeting.

MANAGER'S REPORT

Manager Hall reported the annual Oregon Government Ethics reports are due by April 15, 2011.

The Milton-Freewater Chamber of Commerce and City of Milton-Freewater open house is Thursday, March 31, 2011 from 5 – 7 p.m. at the Community Building located at 109 NE 5th. She said this event was a meet and greet session for citizens and business owners. She invited any councilor that was available that evening to come.

She has been asked by two separate Blue Mountain Alliance members for the city to send a revised letter to state officials requesting that a moratorium be placed on wind energy project permits until such time as regulations are in place. Councilor Chesnut will work with City Manager Hall to draft a letter with the intentions of what the members were asking for.

Commissioner Givens said his understanding was that the County regulations do not need to be followed in that the State of Oregon can over-rule on any guidelines that were in place. He said the Energy Facility Siting Council does not have any setbacks and would allow for a wind turbine to be placed 500ft away from a house is so desired. He has written a letter as a private citizen recommending a moratorium be placed on wind project permits until regulations are in place.

Councilor Anliker said he would like to see the County set standards even though the State can trump them.

Manager Hall said she had heard from most of the council and she was going to proceed with extending the golf course restaurant lease for another six months.

COUNCIL ANNOUNCEMENTS

Councilor Chesnut was approached by a citizen with concerns with two highway cut out's by Safeway and Baker Boyer Bank. Councilor Chesnut said he talked to the bank manager Jesse Maxwell about the concern.

Manager Hall said that was the Oregon Department of Transportation's (ODOT) jurisdiction and not the city's.

Mr. Bradshaw said he had a meeting with ODOT on Wednesday and that he would mention the issue to them.

Councilor Chesnut spoke about the wind issue and the letter he will work with Manager Hall to draft to send to the state level. He also talked about a request for an extension of a wind turbine project in the Helix, Oregon area and the maps that were shown were incorrect. A property owner noticed that there were some houses missing from the map and no other wind turbine projects that were currently in operation were taken into consideration.

Mayor Key received a call from a citizen and felt there was a speed trap at the south end of town.

Councilor Humbert felt the police department was very fair in their enforcement.

Councilor Chesnut reported the "stop" flap in the road in front of Sam's Corner Market was gone.

Mr. Bradshaw said he would look at replacing it.

There being no further business the meeting was adjourned at 9:21 p.m.

Lewis S. Key, Mayor